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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,212

Applicant(s)

TAN ET AL.

Examiner

Joshua D Campbell

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 09/24/2004.
2. Claims 1-26 are pending in this case. Claims 1, 15, 21, and 23-26 are independent claims. Claims 1-22 have been amended.
3. The rejection of claims 1-22 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn due to amendments.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. The term "anchor-heavy" in claims 1-14, 23, and 25 is a relative term which renders the claim indefinite. The term "anchor-heavy" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

It is noted that the examiner will take the broadest possible definition of the term. In this case, the examiner interprets anchor-heavy to be containing more than one anchor.
6. The term "about three" and the term "about four" in claims 4, 8, and 12 are a relative terms which renders the claim indefinite. The terms "about three" and "about four" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention. No specific range is set, so any range at this point is applicable.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-26 remain rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

A practical application or result of the claimed invention is not clearly recited in the claims, thus it is unclear what an asserted utility would be.

Claims 1-26 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Allowable Subject Matter

9. Claims 5, 8, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The claim limitations of the allowable claims recite specific threshold values which are not found nor would be obvious based on the art of record.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1, 9, 15, and 18-26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mr. Cluey ("How can I find out how many hyperlinks there are on a page?" published on September 10, 2000).

Regarding independent claim 1, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy".

Regarding dependent claim 9, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links").

Regarding independent claim 15, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars or objectionable navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar or an objectionable navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area

that is "anchor-heavy" and an objectionable navigation bar is said to be a navigation bar that contains too few anchors.

Regarding dependent claims 18-20, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which includes a component containing zero links. Mr. Cluey does not disclose that components are then determined to be objectionable navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was an objectionable navigation bar based on the count of the anchors because the definition by the applicant an objectionable navigation bar is said to be a navigation bar that contains too few anchors.

Regarding independent claim 21, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the

component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy".

Regarding dependent claim 22, the claim incorporates substantially similar subject matter as claim 18. Thus, the claim is rejected along the same rationale as claims 18.

Regarding independent claims 23 and 25, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

Regarding independent claims 24 and 26, the claims incorporate substantially similar subject matter as claim 15. Thus, the claims are rejected along the same rationale as claim 15.

14. Claims 2-4, 6-7, 10-12, 14, and 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mr. Cluey ("How can I find out how many hyperlinks there are on a page?" published on September 10, 2000) as applied to claims 1, 9, and 15 above, and further in view of Roberts et al. (hereinafter Roberts, US Patent Number 6,344,851, filed on November 30, 1998).

Regarding dependent claim 2, Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that a comparison is made between the number of links and the number regular words in the document. However, Roberts discloses a method in which a document is analyzed in which the total number or words is taken against the amount of times that a specific

element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element.

Regarding dependent claims 3 and 4, Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which would include counts greater than a threshold value of about 3 (zero is about three in this case). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that the number anchors is compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 6 and 7, Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that a comparison is made that of the number of anchors compared to a threshold or the number anchors compared to the number of words. However, Roberts discloses a method in which a document is

analyzed in which the total number of words is taken against the amount of times that a specific element shows up, which include anchor words that are greater than the threshold value of about four (zero in this case will be considered to be about 4) (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claim 10, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links is obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that a comparison is made between the number of links and the number regular words in the document. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element.

Regarding dependent claims 11-12, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which would include counts greater than a threshold value of about 3 (zero is about three in this case). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that the number anchors is compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number or words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 14, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links is obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that a comparison is made that of the number of anchors compared to a threshold or the

number anchors compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up, which include anchor words that are greater than the threshold value of about four (zero in this case will be considered to be about 4) (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 16 and 17, the claims incorporate substantially similar subject matter as claims 2 and 3. Thus, the claims are rejected along the same rationale as claims 2 and 3.

Response to Arguments

15. Applicant's arguments filed 09/24/2004 have been fully considered but they are not persuasive.

Regarding the applicants arguments on pages 11-14, with regards to claims 1-14, 23, and 25 and the use of the term "anchor-heavy", the examiner agrees that the term "anchor-heavy" is found in the specification. However, as pointed out by the applicant the MPEP states, the essential inquiry pertaining to this requirement [of clarity

and precision] is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. As defined by the specification, the term "anchor-heavy" is based on a node having more than a predetermined number of anchors or that the ratio of anchors versus non-anchor words is greater than a predetermined value. At no point are either the predetermined number or the ratio defined, thus at no point is a precedent set for what the term "anchor-heavy" encapsulates as it exists in the claims, which leaves the possibility for an indefinite amount of interpretations of the meaning of the term "anchor-heavy" in the claims. In order to overcome this rejection some standard must be set for the term "anchor-heavy".

Regarding the applicants arguments on pages 14-16, with regards to claims 4, 8, and 12 and the use of the term "about three", the term "about three" is an objective term. The interpretation of the phrase could be construed on any range of numbers. Once again, a possibility for an indefinite amount of interpretations exists because no specific or precise range is ever set for the phrase. In order to overcome this rejection a precise range must be set.

Regarding the applicant's arguments on pages 16-18, with regards to claims 1-26 as being non-statutory process claims, the rejection under 35 U.S.C. 101 has been maintained. The claims as written simply manipulate abstract ideas using a mathematical operation (counting) without actually completing a claimed practical application, which by definition is non-statutory. The claim is currently interpreted as counting anchor text and non-anchor text and making a determination (manipulating an

abstract idea) on the content, no actual processing is completed based on this determination. Even though the preamble contains an intended use, claim language that simply specifies the intended use or field of use for the invention generally will not limit the scope of a claim, particularly when only presented in the claim preamble. In order to overcome this rejection some limitation towards the practical application of the invention must be added into the claim.

Regarding the applicant's arguments on pages 18-21, with regards to claims 1, 9, 23, and 25 as being rejected under 35 U.S.C. 103(a), the rejection of these claims has been maintained. The broadest possible interpretation of the term "anchor-heavy" is based on the indefiniteness and a possible interpretation of the specification, "...In the exemplary heuristic, a node is considered to be "anchor-heavy" if it contains more than a predetermined number of anchors ($> \text{min_anchors}$, where min_anchors may be three or about three for example) and has more anchors (Recall block 330 of Figure 3) that non-anchor word (Recall block 330 of Figure 3)." (Page 19, lines 21-27 of the Specification). The interpretation by the examiner, more than one anchor (which is suffice to fulfill the indefinite range of about three) and in the case of the rejection, zero anchor text fulfills the merits of this definition found in the specification. The definition by the applicant of a navigation bar is written as prior art by the applicant in the specification, "...The disclosed invention may be used to detect so-called "navigation bars" (or "nav bars"). Generally, a navigation bar can be thought of as text, such as a hyper-text link or anchor text for example, without any immediate content." (Page 6, lines 23-27 of the Specification), and thus used in the rejection this definition, fulfills the

broadest interpretation of "anchor-heavy" as being anchors and zero non-anchor text (without any immediate content). It would be necessary to further clarify the definition of "anchor-heavy" in the claim before the applicant's inventive insight would be needed to teach the claim as written, as of now the generalization of the definition of a navigation bar is suffice to fulfill the needs of the claim.

Regarding the applicant's arguments on pages 21-24, with regards to claims 15, 18-20, 21, 22, 24, and 26 as being rejected under 35 U.S.C. 103(a), the rejection of these claims has been maintained. The arguments dealing with the same subject matter as the arguments for claims 1, 9, 23, and 25 have been responded to above. Regarding the definition of an objectionable navigation bar, the examiners definition is based on the claim, which states that the disqualification condition is that it has less than a predetermined number of anchors, which without any further clarification could be any number, much like with the use of "anchor-heavy" an abstract determination is made without any processing. In the claims current form, it is taught by the art and the rejection could be overcome if the definitions were clarified and some limitation towards the practical application of the invention was added into the claim.

Regarding the applicant's arguments on pages 24-25, with regards to claims 2-4, 6, 7, 10-12, 14, 16, and 17 as being rejected under 35 U.S.C. 103(a), the rejection of these claims has been maintained. Roberts is used in combination with Cluey in order to cover the deficiencies dealing with counting and generating a ratio. Because of the indefinite and non-statutory problems, the claims do not incorporate limitations more than counting and making an abstract determination. This rejection could be overcome

if rejection could be overcome if the definitions were clarified and some limitation towards the practical application of the invention was added into the claim.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
December 22, 2004

BA HUYNH
PRIMARY EXAMINER